

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>CHERYL BLUMENSTEIN,</b>	:	<b>CIVIL ACTION NO. 3:16-CV-2492</b>
	:	
<b>Plaintiff</b>	:	<b>(Chief Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>NANCY A. BERRYHILL, Acting</b>	:	
<b>Commissioner of Social Security,</b>	:	
	:	
<b>Defendant</b>	:	

**ORDER**

AND NOW, this 22nd day of February, 2018, upon consideration of the report (Doc. 21) of Magistrate Judge Martin C. Carlson, recommending the court deny the appeal of plaintiff Cheryl Blumenstein (“Blumenstein”) from the decision of the administrative law judge denying her application for supplemental security income, and the court noting that Blumenstein filed objections (Doc. 22) to the report, see FED. R. CIV. P. 72(b), and following a *de novo* review of the contested portion of the report, see Behar v. Pa. Dep’t of Transp., 791 F. Supp. 2d 383, 389 (M.D. Pa. 2011) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n.3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(C)), and applying a clear error standard of review to the uncontested portions, see Cruz v. Chater, 990 F. Supp. 375, 376-78 (M.D. Pa. 1999), the court in agreement with Judge Carlson that the decision of the administrative law judge is “supported by substantial evidence,” 42 U.S.C. § 405(g); see Fargnoli v. Massanari, 247 F.3d 34, 38 (3d Cir. 2001), and finding Judge Carlson’s analysis to

be thorough, well-reasoned, and fully supported by the record, and further finding Blumenstein's objections to be without merit and squarely addressed by the report,<sup>1</sup> it is hereby ORDERED that:

1. The report (Doc. 21) of Magistrate Judge Carlson is ADOPTED.
2. The decision of the Commissioner of Social Security ("Commissioner") denying the application for supplemental security income of Cheryl Blumenstein ("Blumenstein") is AFFIRMED.
3. The Clerk of Court shall enter judgment in favor of the Commissioner and against Blumenstein as set forth in paragraph 2.
4. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania

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<sup>1</sup> In addition to reiterating arguments raised before and properly rejected by the magistrate judge, Blumenstein asserts that the magistrate judge erred in "accepting" the Third Circuit's decision of Thompson v. Halter, 45 F. App'x 146, 148 (3d Cir. 2002) (nonprecedential). The report neither expressly references nor implicitly adopts the Thompson decision.